

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 51-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holowko et al., USPN 6,039,251 in view of Wildman, USPN 7,248,933.

With regard to claims 51, 55, and 64, Holowko discloses a positive identification device (secure remote control system 10, column 4 lines 53-56) particularly for establishing correctly a correlation between a hospital product to be correlated (column 5 lines 26-35) to a patient (column 3 lines 5-8) including a first memory means, which can be affixed to the product (column 8 line 63-column 9 line 8) and storing a predefined unique identification code for the hospital product (column 9 lines 1-8), a second memory (smartcard) means, which can be affixed respectively to the patient that is correlated to the hospital product (column 6 lines 2-28) and means for remote transfer of data, adapted to download by remote transmission the content of the first memory means into the second memory means (column 6 lines 37-40 and 59-67, column 9 lines 3-8). While Holowko does disclose transferring the number from the device to the smartcard, he does not specifically disclose using passive RFID. Holowko does disclose that the smartcard can be any portable memory, logic device, or control media that can be carried by a person (column 6 lines 9-15). Wildman discloses a passive RFID badge,

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worn by hospital patients (column 3 lines 53-61) are well known and useful for monitoring the location of patients and equipment in a hospital (column 2 lines 5-13). A passive ID contains manufacturer pre-entered data since it does not modify data. It would have been obvious for one of ordinary skill in the art to use the passive RFID tag of Wildman for the portable memory, logic device, or control media that can be carried by a person of Holowko for the motivation of the low cost of using Passive Ids and other stated motivations of Wildman (column 8 lines 42-29).

With regard to claims 52 and 53, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses the first memory stores additional data correlating to the patient (column 11 lines 2-7, column 6 lines 16-23).

With regard to claims 54 and 56, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses comparing the data of the two memories to make sure they match (column 9 lines 54-64).

With regard to claims 57-59 and 61, Holowko in view of Wildman discloses the device of claim 51, as outlined above, but does not mention the provider computer having a keyboard or printer. The examiner took official notice that it is well known in the art that to include a keyboard and printer in a computer in the prior office action. Since applicant did not traverse the official notice it is taken as admitted prior art. It would have been obvious for one of ordinary skill in the art to include a keyboard and printer in the provider computer of Holowko for the motivation of making editing and record keeping (column 10 lines 53-55) more efficient.

With regard to claim 60, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses a display for displaying a result of the contents of the memories (column 9 lines 62-67).

With regard to claim 62, Holowko in view of Wildman discloses the device of claim 51, as outlined above, but does not mention encryption. The examiner took official notice that it is well known in the art to encrypt identification data that is verified in the prior office action. Since applicant did not traverse the official notice it is taken as admitted prior art. It would have been obvious for one of ordinary skill in the art to encrypt and decrypt the identification numbers of Holowko to prevent unauthorized use of the pump, a stated motivation of Holowko (column 7 lines 7-10).

With regard to claim 63, in view of Wildman discloses the device of claim 51, as outlined above, but does not disclose the tag as a bracelet. The examiner takes official notice that is well known to use bracelets to identify patients in a hospital. It would have been obvious for one of ordinary skill in the art to use a bracelet as the RFID tag for the motivation of simplicity, to reduce the number of separate tags on the patient.

With regard to claims 66 and 68, Holowko in view of Wildman discloses the device of claim 51, as outlined above, but does not mention that the transponder is affixed to a label. Holowko does disclose that the id number is on the pump (column 8 line 63-column 9 line 2), and that the transponder is RF (column 5 lines 50-56), but does not mention that the ID is an RF transponder on the pump's product label. The examiner took official notice that it is well known in the art to put RF antennas on product labels to broadcast their ID number in the prior office action. Since applicant did not traverse the

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official notice it is taken as admitted prior art. It would have been obvious for Holowko to put the ID number of the pump in an RF transmitter on the pump label for the motivation of having one item (the label) identify the device both to the patient and to the RF receiver.

With regard to claims 65 and 67, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses the transponder is affixed to a container (pump, column 4 lines 31-34).

With regard to claim 69, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses the memory is a smartcard, as outlined above, but does not mention it being flash memory. The examiner takes official notice that it is well known in the art to use flash memories in a smart card. It would have been obvious for one of ordinary skill in the art to use flash memory as the memory of Holowko to allow for small and compact memory.

With regard to claim 70, Holowko in view of Wildman discloses the device of claim 51, as outlined above, and further discloses the transfer is constituted by a remote computer connected in a network (column 4 lines 62-66).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACOB LIPMAN whose telephone number is (571)272-3837. The examiner can normally be reached on M-Fr.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacob Lipman/  
Examiner, Art Unit 2434